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Pro Hac Vice Application to be Submitted

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Pro Hac Vice Application to be Submitted

Attorneys for Applicants in Intervention

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

STATE OF NEVADA, <i>et al.</i> ,)	Case No. 3:15-cv-00491-MMD-VPC
)	
Plaintiffs,)	[PROPOSED] ANSWER OF
vs.)	APPLICANTS IN INTERVENTION
)	THE WILDERNESS SOCIETY ET AL.
UNITED STATES DEPARTMENT)	
OF THE INTERIOR, <i>et al.</i> ,)	
)	
Defendants, and)	
THE WILDERNESS SOCIETY, <i>et</i>)	
<i>al.</i> ,)	
)	
Applicants in Intervention/)	
Defendants)	

1 Applicants in intervention The Wilderness Society, National Wildlife Federation
2 and Earthworks now submit this proposed Answer to the Plaintiffs' First Amended
3 Complaint. As to the statements in each numbered paragraph in Plaintiff's
4 complaint, Plaintiffs aver as follows:

- 5 1. Admit, except deny any violations of law by the Defendants as alleged by
6 Plaintiffs.
- 7 2. Admit, except deny that any relief should be granted.
- 8 3. Admit.
- 9 4. Admit.
- 10 5. Admit.
- 11 6. Admit, except deny that the challenged actions encourage habitat
12 fragmentation.
- 13 7. Admit.
- 14 8. Admit sentences 1-3; deny sentence 4.
- 15 9. Deny.
- 16 10. Admit sentences 1-4; deny sentences 5-7.
- 17 11. Deny.
- 18 12. Lack knowledge or information sufficient to form a belief about the truth of
19 the allegations.
- 20 13. Lack knowledge or information sufficient to form a belief about the truth of
21 the allegations.
- 22 14. Lack knowledge or information sufficient to form a belief about the truth of
23 the allegations.
- 24 15. Admit sentences 1, 3-4; deny sentence 2.
- 25 16. Admit, except deny any inconsistencies or lack of effort to coordinate.
- 26 17. Deny.

- 1 18. Lack knowledge or information sufficient to form a belief about the truth of
- 2 the allegations.
- 3 19. Lack knowledge or information sufficient to form a belief about the truth of
- 4 the allegations.
- 5 20. Lack knowledge or information sufficient to form a belief about the truth of
- 6 the allegations.
- 7 21. Deny.
- 8 22. Deny.
- 9 23. Admit.
- 10 24. Deny.
- 11 25. Deny.
- 12 26. Deny.
- 13 27. Admit.
- 14 28. Deny.
- 15 29. Admit sentences 1-6; lack knowledge or information sufficient to form a
16 belief about the truth of the allegations of sentence 7.
- 17 30. Deny.
- 18 31. Admit.
- 19 32. Deny.
- 20 33. Admit.
- 21 34. Deny sentence 1; admit sentences 2-3.
- 22 35. Admit sentences 1-2; deny sentences 3-4.
- 23 36. Deny.
- 24 37. Lack knowledge or information sufficient to form a belief about the truth of
- 25 the allegations.

- 1 38. Lack knowledge or information sufficient to form a belief about the truth of
2 the allegations.
- 3 39. Lack knowledge or information sufficient to form a belief about the truth of
4 the allegations.
- 5 40. Lack knowledge or information sufficient to form a belief about the truth of
6 the allegations.
- 7 41. Lack knowledge or information sufficient to form a belief about the truth of
8 the allegations, except deny there has been any violation of law by
9 Defendants as alleged by Plaintiffs.
- 10 42. Admit sentence 1; deny sentence 2; admit sentence 3 except deny that the
11 agencies failed to consider input.
- 12 43. Admit, except deny any violation of law by Defendants as alleged by
13 Plaintiffs.
- 14 44. Deny.
- 15 45. Admit.
- 16 46. Admit.
- 17 47. Admit.
- 18 48. Admit.
- 19 49. Admit.
- 20 50. Admit.
- 21 51. Admit.
- 22 52. Admit.
- 23 53. Admit.
- 24 54. Admit sentences 1-2; deny sentence 3.
- 25 55. Deny.
- 26 56. Admit sentence 1; deny sentences 2-5.

1 57. Deny.

2 58. Deny.

3 59. Deny.

4 60. Admit sentence 1; deny sentences 2-3.

5 61. Deny.

6 62. Deny.

7 63. Admit sentences 1-2, 5; deny sentences 3-4, 6.

8 64. Deny

9 65. Admit sentences 1-4; lack knowledge or information sufficient to form a
10 belief about the truth of the allegations in sentence 5. For all sentences, deny
11 any allegation that the FWS or USFS were required to submit an application
12 or request for the withdrawal or that the quoted regulations apply to the facts
13 of this case.

14 66. Deny sentence 1; admit sentences 2 and 3 as they correctly quote the
15 regulations and Manual; lack knowledge or information sufficient to form a
16 belief about the truth of the allegations in sentences 4-5; deny sentence 6. For
17 all sentences, deny any allegation that the USFS was required to submit an
18 application or request for the withdrawal or that the quoted Manual and
19 regulations apply to the facts of this case.

20 67. Admit sentences 1-3 as they correctly quote the statute and regulations; lack
21 knowledge or information sufficient to form a belief about the truth of the
22 allegations in sentence 4. For all sentences, deny any allegation that the FWS
23 or USFS were required to submit an application or request for the
24 withdrawal or that the quoted regulations apply to the facts of this case.

25 68. Deny sentences 1 & 3; lack knowledge or information sufficient to form a
26 belief about the truth of the allegations in sentence 2.

1 69. Deny.

2 70. Admit sentences 1-2; deny sentences 3-6.

3 71. Deny.

4 72. Lack knowledge or information sufficient to form a belief about the truth of
5 the allegations in sentences 1-3; deny sentences 4-5.

6 73. Lack knowledge or information sufficient to form a belief about the truth of
7 the allegations.

8 74. Deny.

9 75. Deny.

10 76. Deny.

11 77. Deny.

12 78. Deny.

13 79. Deny.

14 80. Admit sentences 1-2; deny sentences 3-8.

15 81. Admit sentences 1, 3-4; deny sentences 2, 5-7.

16 82. Admit sentences 2-3; deny sentence 1.

17 83. Deny.

18 84. Deny.

19 85. Deny.

20 86. Admit sentence 1; deny sentences 2-3.

21 87. Deny.

22 88. Deny.

23 89. Admit sentence 1; deny sentences 2-4.

24 90. Deny.

25 91. Deny.

26 92. Admit.

1 93. Admit.

2 94. Admit, except lack knowledge or information sufficient to form a belief about
3 the truth of the allegations, except deny there has been any violation of law
4 by Defendants as alleged by Plaintiffs.

5 95. Admit.

6 96. Admit.

7 97. Deny.

8 98. Deny.

9 99. Deny.

10 100. Deny.

11 101. Deny.

12 102. Deny.

13 103. Deny.

14 104. Deny sentences 1-2; admit sentence 3.

15 105. Deny.

16 106. Lack knowledge or information sufficient to form a belief about the
17 truth of the allegations, except deny that the NVLMP will jeopardize the Elko
18 County Plan.

19 107. Deny.

20 108. Deny.

21 109. Deny.

22 110. Deny.

23 111. Deny.

24 112. Deny.

25 113. Deny.

26 114. Deny.

1 115. Deny.

2 116. Lack knowledge or information sufficient to form a belief about the
3 truth of the allegations, except deny that the NVLMP will interfere with any
4 conservation projects.

5 117. Lack knowledge or information sufficient to form a belief about the
6 truth of the allegations of sentence 1; deny sentences 2-3.

7 118. Lack knowledge or information sufficient to form a belief about the
8 truth of the allegations of sentences 1-4; deny sentence 5.

9 119. Lack knowledge or information sufficient to form a belief about the
10 truth of the allegations of sentences 1-6; deny sentence 7.

11 120. Deny.

12 121. Deny.

13 122. Deny.

14 123. Deny.

15 124. Admit sentences 1-2; deny sentences 3-4.

16 125. Deny.

17 126. Deny.

18 127. Deny.

19 128. Admit sentences 3-5; deny sentences 1-2, 6.

20 129. Deny.

21 130. Deny.

22 131. Deny.

23 132. Admit sentence 1; deny sentence 2.

24 133. Deny.

25 134. Deny.

26 135. Admit.

1 136. Deny.

2 137. Deny.

3 138. Admit sentences 1-2; deny sentence 3.

4 139. Deny.

5 140. Deny sentence 1; admit sentence 2.

6 141. Lack knowledge or information sufficient to form a belief about the
7 truth of the allegations.

8 142. Deny.

9 143. Deny.

10 144. Deny.

11 145. Deny.

12 146. Deny.

13 147. Deny.

14 148. Deny.

15 149. Lack knowledge or information sufficient to form a belief about the
16 truth of the allegations, except deny that the NVLMP causes any violation of
17 law.

18 150. Deny.

19 151. Deny.

1 152. Lack knowledge or information sufficient to form a belief about the
2 truth of the allegations, except deny that the NVLMP causes any violation of
3 law as alleged by plaintiffs.

4
5 153. Deny.

6 154. Deny.

7
8 155. Deny.

9
10 156. Lack knowledge or information sufficient to form a belief about the
11 truth of the allegations, except deny that the NVLMP causes any violation of
12 law as alleged by Plaintiffs.

13 157. Lack knowledge or information sufficient to form a belief about the
14 truth of the allegations, except deny that the NVLMP causes any violation of
15 law as alleged by Plaintiffs.

16
17 158. Lack knowledge or information sufficient to form a belief about the
18 truth of the allegations, except deny any violation of law as alleged by
19 Plaintiffs.

20
21 159. Lack knowledge or information sufficient to form a belief about the
22 truth of the allegations.

23
24 160. Deny.

25
26 161. Deny.

27
28 162. Admit sentences 1 5-6; deny sentences 2-4 (including indented

1 quotations), 7-8.
2

3 163. Deny.
4

5 164. Deny.
6

7 165. Deny.
8

9 166. Admit, except deny any inconsistencies or violations of law as alleged
10

11 by Plaintiffs.
12

13 167. Admit that Governor Sandoval filed objections and that the BLM
14
15 responded; otherwise, deny.
16

17 168. Admit that Governor Sandoval filed an appeal; otherwise, deny.
18

19 169. Admit.
20

21 170. Admit.
22

23 171. Admit.
24

25 172. Admit sentences 1-2; deny sentences 3-4.
26

27 173. Deny.
28

174. Deny.
175. Deny.
176. Deny.

1 177. Deny.

2 178. Deny.

3 179. Admit.

4 180. Deny.

5 181. Deny.

6 182. Deny.

7 183. Admit.

8 184. Deny.

9 185. Deny.

10 186. Deny.

11 187. Admit.

12 188. Deny.

13 189. Admit sentences 3-4; deny sentences 1-1, 5-6.

14 190. Admit sentence 1; deny sentences 2-4.

15 191. Deny.

16 192. Admit.

17 193. Deny.

194. Admit sentences 2-3; deny sentences 1, 4-5.

195. Deny.

196. Admit sentence 3; deny sentences 1, 4; lack knowledge or information sufficient to form a belief about the truth of the allegations of sentence 2.

197. Deny sentences 1, 5; lack knowledge or information sufficient to form a belief about the truth of the allegations of sentences 2-4.

198. Deny.

199. Deny.

200. Deny.

201. Deny.

202. Deny.

203. Deny.

204. Admit sentences 1-2; deny sentences 3-6.

205. Admit sentences 1-3; deny sentences 4-5.

206. Deny.

207. Admit sentence 3; deny sentences 1-2, 4-5.

1 208. Deny.

2 209. Admit.

3 210. Lack knowledge or information sufficient to form a belief about the
4 truth of the allegations.

5 211. Deny.

6 212. Admit.

7 213. Deny.

8 214. Deny.

9 215. Admit.

10 216. Deny.

11 217. Admit.

12 218. Admit sentence 1; deny sentence 2.

13 219. Deny.

14 220. Deny.

15 221. Admit.

16 222. Admit sentence 1; deny sentences 2-3.

17 223. Admit, except deny that any unlawful delegation occurred as alleged
18 by Plaintiffs.

1
224. Deny.

3
225. Deny.

4
226. Deny.

6
227. Admit.

7
228. Deny.

8
229. Deny.

11 GENERAL DENIAL and regarding the Prayer for Relief: The Federal
12 Defendants have not violated any law as alleged by Plaintiffs, and the Plaintiffs
13 are not entitled to any relief.
14

15
16 Respectfully submitted,

17 /s/Julie Cavanaugh-Bill

18 Attorney for Applicants in Intervention
19